

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2004-97-T – ORDER NO. 2004-416

SEPTEMBER 1, 2004

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| IN RE: | Application of Trega, LLC d/b/a Apartment Movers, Etc., 7349 Peppermill Parkway, Suite E, North Charleston, SC 29418 to Amend Class E Certificate of Public Convenience and Necessity No. 9716 |) | ORDER APPROVING AMENDMENT OF CERTIFICATE |
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This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Trega, LLC d/b/a Apartment Movers, Etc. (the Applicant or Trega), whereby the Applicant seeks approval of an amendment to its Certificate of Public Convenience and Necessity No. 9716 (Certificate) to reflect an amendment to its authority provided under such Certificate. Specifically, the Applicant requests the approval of the following modification:

FROM: Household Goods, as defined in R. 103-210(1):
Between points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina to points and places in South Carolina and from points and places in South Carolina to points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina.

TO: Household Goods, as defined in R. 103-210(1):
Between points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina to points and places in South Carolina and from points and places in South Carolina to points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina.

It appears from the Applicant's request that the request for the change in the scope of its Certificate results from an expansion of the Applicant's business and an increased demand for its services.

On April 8, 2004, the Applicant was instructed by the Executive Director of the Commission to publish a Notice of Filing in this matter. On April 29, 2004, the Applicant served on the Commission proof of publication of the Notice of Filing in *The State Newspaper*. No parties filed pleadings with the Commission to intervene in this matter.

A hearing in this matter was commenced on July 28, 2004, at 10:30am in the Commission's Hearing Room. The Honorable Randy Mitchell, Chairman, presided. Mr. Trey Ingram, owner of Trega, appeared and testified on behalf of the Company. Additionally, Ms. Kim Swanson, the owner of a currently certificated household mover with statewide authority (Apartment Movers, Inc.), testified as a shipper witness on behalf of the Applicant regarding her current operations in the Midlands area of South Carolina and the need for additional household movers in the area. The Applicant was represented by Michael Maloney, Esquire, and the Commission Staff was represented by Staff Counsel, Jocelyn Boyd, Esquire. No witnesses appeared or testified on behalf of the Commission Staff.

Mr. Ingram testified that he has been operating as a household mover in the Charleston area for three years and performs only intrastate moves from Trega's offices in North Charleston. He is seeking authority to expand his operations into the Midlands of South Carolina and, if given authority, will establish a second office and facilities in Lexington County. The Applicant specializes in small moves and currently employs 15

employees, full-time during the summer and some on a part-time basis in the winter months. The Applicant also currently has four (4) twenty-four foot straight trucks and one fifteen foot truck. If the Application requested here is approved, Mr. Ingram testified that the company plans to employ eight (8) additional employees at its Lexington office and to purchase or lease three (3) additional moving trucks. He also testified that the Lexington facility is currently operated by Trega's witness Swanson who will be selling the equipment and facilities to Trega. Ms. Swanson testified that her company will no longer operate facilities in the Midlands area of South Carolina if the application of Trega is approved by the Commission. Mr. Ingram testified that he believes that there is a need for additional household movers in the Midlands area, particularly in the area of small moves in which Trega specializes. Mr. Ingram testified that he had contacted several moving companies in the Midlands and, when questioned, they informed him that they could not move "when I asked them to." Ms. Swanson testified and provided evidence of significant growth by her company's operations in Lexington over the past three years as a result of an increased demand for its services.

FINDINGS OF FACT

1. Trega is a South Carolina limited liability company and operates as a mover of household goods in the Charleston, Dorchester, and Berkeley County areas of South Carolina under Certificate of Public Convenience and Necessity No. 9716.

2. Under Certificate No. 9716, Trega is currently limited to offering its services between points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina to points and places in South Carolina and from points and places in

South Carolina to points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina.

3. Trega desires to expand its services to operate as a mover of household goods between points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina to points and places in South Carolina and from points and places in South Carolina to points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina.

4. The Commission finds that based on the testimony and evidence presented at the hearing in this matter that Trega has established sufficient facts to evidence that it is fit, willing, and able to operate as a mover of household goods in the expanded area requested.

5. The Commission finds that the Applicant has presented sufficient facts to establish that the granting of the amendment to Certificate No. 9716 as requested by the Applicant is warranted and required by public convenience and necessity.

6. The Commission further finds that the financial records of the Applicant, and the inspection by the Commission Staff, establish that the Applicant possesses sufficient financial resources and equipment to provide the expansion of services requested in its Application.

7. The Commission finds that the expansion of scope of the Certificate of Public Convenience and Necessity to allow Trega to operate in the expanded five county Midlands area of South Carolina would be in the best interest of the citizens of the State

of South Carolina by allowing Trega to offer its specialized services in the Midlands of South Carolina.

CONCLUSIONS OF LAW

1. The Commission concludes that Trega possesses the managerial and financial resources to provide the services described in its Application and further concludes that Trega is fit, willing, and able to provide the services described in its Application.

2. The Commission concludes that the approval of the Applicant's authority provided for in this Order is for a change in territory only and does not authorize any additional or further changes in the Applicant's regulated services.

3. The Commission concludes that the present public convenience and necessity in the area Trega seeks to serve require approval of Trega's Application.

4. The Commission concludes that a thorough review of the matters asserted in the instant Application establishes that the Applicant is entitled to the relief and action requested in its Application.

IT IS THEREFORE ORDERED:

1. That the relief sought in the Application for modification of Certificate of Public Convenience and Necessity No. 9716 by expanding the territory and area in which the Applicant may operate as a mover of household goods from "between points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina to points and places in South Carolina and from points and places in South Carolina to points and places in Charleston, Dorchester, and Berkeley Counties, South Carolina" to "between

points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina to points and places in South Carolina and from points and places in South Carolina to points and places in Charleston, Dorchester, Berkeley, Kershaw, Lexington, Calhoun, Richland, and Newberry Counties, South Carolina” is hereby granted.

2. That based on the testimony presented at the hearing in this matter and the additional documents and evidence contained in the record in this matter, the Applicant is fit, willing, and able to provide household goods moving services in the expanded territory.

3. That the approval of expansion of the Applicant’s authority provided for in this Order is for a change in territory only and does not authorize any additional or further changes in the Applicant’s regulated services.

4. Trega shall file, or cause to be filed with the Commission, any amended filings reflecting the change in authority within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

5. That failure of the Applicant to either (1) file or cause to be filed with the Commission any amended filings reflecting the change within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, shall result in the authorization approved in this Order being revoked.

6. That upon compliance with the filing of amended information with the Commission, a modified Certificate shall be issued to the Applicant as provided herein.

7. That prior to compliance with such statutory and regulatory requirements and the receipt of such amended Certificate, the motor carrier services authorized by such Certificate may not be provided in the expanded area approved herein.

8. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)